

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MIGUEL STALIN MENDEZ, )  
Petitioner, ) Civil Action No. 3: 16-cv-00041  
v. ) United States District Judge  
S.M. KUTA, Warden, ) Kim R. Gibson  
Respondent. )

**MEMORANDUM ORDER**

Petitioner, Miguel Stalin Mendez, filed the instant Petition for Writ of Habeas Corpus seeking an order for his immediate deportation. *See* ECF No. 1. The matter was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

The magistrate judge filed a Report and Recommendation on February 16, 2016 (ECF No. 2) recommending that the case be summarily dismissed because Petitioner has no federal constitutional or statutory right to be immediately deported before the expiration of his criminal sentence. The Report and Recommendation was mailed to Petitioner at his listed address. Written objections to the Report and Recommendation were due by March 4, 2016. To date, Petitioner has not filed any objections and he has not requested an extension of time in which to do so.

After *de novo* review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 15<sup>th</sup> day of March 2016:

**IT IS ORDERED** that the instant petition for writ of habeas corpus is **DISMISSED**.

The Report and Recommendation filed on February 16, 2016 (ECF No. 2) is adopted as the opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.



Kim R. Gibson  
United States District Judge

cc: MIGUEL STALIN MENDEZ  
67357-054  
Moshannon Valley Correctional Center  
555 Geo Drive  
Philipsburg, PA 16866  
(via U.S. First Class Mail)